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10-6-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gardner et al.
Serial No: 09/483,653
Filed: January 14, 2000
For: METHODS AND APPARATUS FOR PRODUCING ANIMAL
SOUNDS TO LURE ANIMALS
Confirmation. No.: 8646
Examiner: Mae, X.
Art Unit: 3712

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CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being transmitted via facsimile to the attention of Examiner Xu Mae, at FAX number (703) 872-9314 in the United States Patent and Trademark Office, Washington, D.C. 20231, in accordance with 37 C.F.R. §1.6(d), on the 18th day of September, 2003.

Robyn Lecesse
Signature

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SEP 22 2003

Commissioner for Patents
Washington, DC 20231

COMMENTS REGARDING REFERENCES SUBMITTED FOR
PETITION TO MAKE SPECIAL

OFFICIAL

Sir:

Applicant submits the following comments to clarify certain communications and submissions of references that occurred in relation to a Petition to Make Special ("The Petition") filed on January 28, 2003.

On January 28, 2003, along with the Petition, Applicant re-submitted a subset of the references that previously had been made of record. During subsequent attempts by Applicant to determine the status of the Petition, Applicant learned that the PTO file did not include any record that these references had been submitted. Applicant's representatives had not maintained a list of which references were submitted along with the Petition.

During the week of March 24-28, the undersigned was out of the office. During this week, my assistant, Robyn Lecesse attempted to determine from a conversation with the Applicant, which references had been submitted with the Petition. As a result of a miscommunication with the Applicant, Ms. Lecesse faxed copies of some references to the PTO on March 25, 2003, which she believed were the references submitted along with the Petition.

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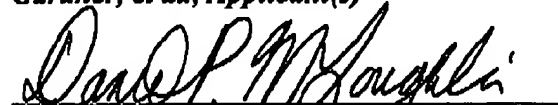
Upon returning to the office, the undersigned realized that, although the complete list of references submitted with the Petition cannot be recreated with precision, the references faxed on March 25 did not constitute a complete list.

According to MPEP §708.02(II), there is no requirement to submit references along with a Petition to Make Special if such references have already been made of record in the application. Accordingly, because Applicant had already made of record all references of which Applicant is aware that are most relevant to the inventions recited in the claims, Applicant was not required to re-submit such references in support of the Petition to Make Special. Applicant makes no representation that the references faxed on that date are more relevant than the other prior art of record, and urges the Examiner to reach his own conclusion in view of all the prior art of record. Therefore, Applicant requests that the PTO disregard Applicants' submission of certain references on March 25, 2003.

The undersigned discussed this issue with the Examiner on April 23, 2003. The substance of that conversation is summarized herein.

The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 23/2825.

Respectfully submitted,
Gardner, et al., Applicant(s)



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